



**THE CITY OF NEW YORK  
LAW DEPARTMENT**

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November 28, 2008

**BY ECF**

Honorable Charles P. Sifton  
United States Senior District Judge  
Eastern District of New York  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Angelica Calixto /m/n/g [REDACTED] v. City of New York, et al.  
07-CV-5356 (CPS)(RLM)

Your Honor:

Enclosed please find a Stipulation and Order of Settlement and Discontinuance which has been executed by the parties in the above-referenced matter. We respectfully request that Your Honor endorse the enclosed Stipulation.

I thank the Court for its attention to this matter.

Respectfully submitted,

/s/

Maurice L. Hudson  
Assistant Corporation Counsel

Enc.

cc: **BY ECF**  
Honorable Roanne L. Mann  
United States Magistrate Judge  
Eastern District of New York  
United States Courthouse

225 Cadman Plaza East  
Brooklyn, New York 11201

BY ECF

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
ANGELICA CALIXTO as Mother and Natural Guardian  
of S [REDACTED] V. [REDACTED] an infant under the age of  
eighteen years,

Plaintiff,

-against-

THE CITY OF NEW YORK, P.O. NICHOLAS  
DEROBERTIS, P.O. RANDOLPH CEDOTTE, SSA  
RAUL ZAPATA, P.O. ELVIS DELGADO, P.O. OLGA  
JIMINEZ, and P.O.s JOHN and JANE DOE #1-10,  
individually and in its official capacities, (the names  
John and Jane Doe being fictitious, as the true names are  
presently unknown),

Defendants.

**STIPULATION AND  
ORDER OF  
SETTLEMENT AND  
DISCONTINUANCE**

07 CV 5356 (CPS)(RLM)

-----X  
**WHEREAS**, plaintiff Angelica Calixto as Mother and Natural Guardian of  
(m/n/g) [REDACTED], commenced this action by filing a complaint on or about December 26,  
2007, alleging, *inter alia*, that defendants violated her son's federal civil rights; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's  
allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation,  
without further proceedings and without admitting any fault or liability; and

**WHEREAS**, plaintiff has authorized his counsel to settle this matter on the terms  
set forth below;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by  
and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph “2” below.

2. The City of New York hereby agrees to pay plaintiff the sum of **Fifteen Thousand Dollars (\$15,000.00)** in full satisfaction of all claims, inclusive of claims for costs, expenses and attorneys’ fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all the claims against the defendants, including, but not limited to, THE CITY OF NEW YORK, P.O. NICHOLAS DEROBERTIS, P.O. RANDOLPH CEDOTTE, SSA RAUL ZAPATA, P.O. ELVIS DELGADO, P.O. OLGA JIMINEZ, and the individuals referred to in the caption as “P.O.s JOHN and JANE DOE #1-10,” and their successors or assigns, and to release the defendants and any present or former officials, employees, representatives and agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action that were or could have been alleged in this action, including claims for costs, expenses and attorneys’ fees.

3. Plaintiff shall execute and deliver to defendants’ attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph “2” above and an Affidavit of No Liens or an Affidavit Concerning Liens, whichever applies.

4. Settlement of this action is conditioned on compliance with the provisions set forth in Rule 83.2(a) of the Local Civil Rules of this Court (“Settlement of Actions by or on Behalf of Infants or Incompetents, Wrongful Death Actions, and Conscious Pain and Suffering Actions”) and Rule 1207 et seq. of the Civil Practice Laws and Rules for the State of New York.

5. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff’s rights, or the rights of any

other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
Nov. 28, 2008

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By: Maurice L. Hudson  
Maurice L. Hudson  
Assistant Corporation Counsel

SO ORDERED:

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Honorable Charles P. Sifton  
United States Senior District Judge